

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

JOSE M. LORIE VELASCO, et al,
Plaintiffs,

vs.

KMART CORPORATION, et al,
Defendants,

vs.

GROUP SERVICE SYSTEM,
COOPERATIVA DE SEGUROS
MULTIPLES DE PUERTO RICO
GROUP SERVICE SYSTEM,
Third Party Defendants.

CIVIL NO.: 1998-1867 (PG)

**DEFENDANT'S MOTION WITHDRAWING REPLY FILED TODAY AND REQUESTING
LEAVE TO FILE REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS DUE TO BANKRUPTCY COURT'S ORDER
AND REPLY TENDERED HERewith**

TO THE HONORABLE COURT:

COMES NOW Defendant and Third Party Plaintiff Kmart Corporation ("Kmart"), represented by the undersigned attorneys, and respectfully alleges and prays as follows:

1. On this same date, plaintiffs filed an opposition to Kmart's May 6, 2004 motion to dismiss due to the Bankruptcy Court's April 2, 2004 final order reclassifying the claim. See Docket No. 205. Today, Kmart filed its "Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss due to Bankruptcy Court's Order and Second Request that Trial Date be Vacated". See Docket No. 206.
2. Plaintiffs have now filed a motion requesting that Kmart's reply to plaintiffs' opposition to defendant's motion to dismiss be stricken from the record, on the grounds that it was filed in violation of Local Rule 7(c) See Docket No. 207.

3. Kmart hereby withdraws the "Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss due to Bankruptcy Court's Order and Second Request that Trial Date be Vacated" filed today, and requests leave to file the reply tendered herewith.

WHEREFORE, it is respectfully requested from this Honorable Court that it grants this motion, deems withdrawn the Reply filed today identified as Docket No. 206 and grants the leave hereby requested and allows the filing of the Reply tendered herewith.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 17th day of May 2004.

IT IS HEREBY CERTIFIED that on May 17, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **José Quetglas Jordán, Esq.**, Quetglas Law Office, P.O. Box 16606, San Juan, Puerto Rico, 00907-6606, and to **Vicente Santori Coll, Esq.**, PO Box 363073, San Juan, Puerto Rico 00936.

s/Marta E.Vila Baez
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